

## **IC 25-13**

### **ARTICLE 13. DENTAL HYGIENISTS**

#### **IC 25-13-1**

Chapter 1. Regulation of Dental Hygienists by State Board of Dentistry

##### **IC 25-13-1-1**

###### **Short title**

Sec. 1. This chapter may be known and cited as The Dental Hygienist Act of Indiana.

*(Formerly: Acts 1945, c.90, s.1.) As amended by Acts 1982, P.L.154, SEC.46.*

##### **IC 25-13-1-2**

###### **Definitions**

Sec. 2. As used in this article:

(a) "Dental hygienist" means one who is especially educated and trained in the science and art of maintaining the dental health of the individual or community through prophylactic or preventive measures applied to the teeth and adjacent structures.

(b) "License" means the license to practice dental hygiene issued by the state board of dentistry to dental hygienist candidates who satisfactorily pass the board's examinations.

(c) "Board" means the state board of dentistry established by IC 25-14-1.

(d) "Proprietor dentist" means a licensed dentist who is the owner and operator of the dental office in which he practices the profession of dentistry and who employs at least one (1) dentist or dental hygienist to supplement his operation and conduct of his dental office.

(e) "Employer dentist" means a proprietor dentist who employs at least one (1) dental hygienist to supplement his dental service to his clientele.

(f) "Referral" means a recommendation that a patient seek further dental care from a licensed dentist, but not a specific dentist.

(g) "Screening" means to identify and assess the health of the hard or soft tissues of the human oral cavity.

(h) "Public health setting" means a location, including a mobile health care vehicle, where the public is invited for health care, information, and services by a program sponsored or endorsed by a governmental entity or charitable organization.

*(Formerly: Acts 1945, c.90, s.2; Acts 1971, P.L.371, SEC.1.) As amended by Acts 1981, P.L.222, SEC.109; P.L.185-1991, SEC.1; P.L.24-1999, SEC.7.*

##### **IC 25-13-1-3**

###### **Necessity of license**

Sec. 3. Except as otherwise provided in this chapter, it is unlawful for any person to practice dental hygiene in Indiana without a license

from the board authorizing that person to practice dental hygiene in this state.

*(Formerly: Acts 1945, c.90, s.3.) As amended by Acts 1981, P.L.222, SEC.110.*

#### **IC 25-13-1-4**

##### **License; application; examination; fee**

Sec. 4. (a) Any person desiring to practice dental hygiene in Indiana must procure from the board a license to practice dental hygiene. To procure a license, the applicant must submit to the board proof of graduation from an institution for educating dental hygienists that is approved by the board and other credentials required by this chapter, together with an application on forms prescribed and furnished by the board. Each applicant must pay to the board an application fee set by the board under section 5 of this chapter at the time the application is made and must pass an examination satisfactory to the board. For those applicants who fail to pass an initial examination, subsequent examinations may be had before the board upon payment of a fee set by the board under section 5 of this chapter for each subsequent examination. The board may establish under section 5 of this chapter additional requirements as a prerequisite to taking an examination for any applicant who has failed the examination two (2) or more times. Application fees are not refundable.

(b) An applicant described under subsection (a) shall, at the request of the board, make an appearance before the board.

*(Formerly: Acts 1945, c.90, s.4; Acts 1971, P.L.371, SEC.2.) As amended by Acts 1981, P.L.222, SEC.111; Acts 1982, P.L.113, SEC.46; P.L.169-1985, SEC.39; P.L.152-1988, SEC.10; P.L.48-1991, SEC.24.*

#### **IC 25-13-1-5**

##### **Powers and duties of board**

Sec. 5. (a) The board shall enforce this chapter.

(b) The board may adopt rules consistent with this chapter and with IC 25-14-1 necessary for the proper enforcement of this chapter, the examination of dental hygienists, and for the conduct of the practice of dental hygiene.

(c) The board may utilize a dental hygienist education program's accreditation by the Commission on Dental Accreditation of the American Dental Association as evidence that the program has met all or part of the standards for dental hygienist education programs established by the board.

*(Formerly: Acts 1945, c.90, s.5.) As amended by Acts 1981, P.L.222, SEC.112; P.L.354-1989(ss), SEC.1.*

#### **IC 25-13-1-6**

##### **Qualifications of applicant**

Sec. 6. When applying to the board for examination, the applicant must submit an application and the applicant's credentials, except for

proof of the applicant's graduation from an institution for educating dental hygienists, in the form and manner prescribed by the board at least forty-five (45) days prior to the examination date. The applicant must submit proof of the applicant's graduation at least seven (7) days before the examination date. The applicant:

- (1) must not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently; and
- (2) must be a graduate of a school for dental hygienists that:
  - (A) is accredited by the Commission on Dental Accreditation of the American Dental Association;
  - (B) is recognized by the board; and
  - (C) requires a formal course of training of not less than two (2) years of eight (8) months each.

*(Formerly: Acts 1945, c.90, s.6; Acts 1963, c.112, s.1.) As amended by Acts 1981, P.L.222, SEC.113; Acts 1982, P.L.113, SEC.47; P.L.169-1985, SEC.40; P.L.149-1987, SEC.27; P.L.185-1991, SEC.2; P.L.48-1991, SEC.25; P.L.24-1999, SEC.8.*

#### **IC 25-13-1-6.1 Repealed**

*(Repealed by P.L.33-1993, SEC.74.)*

#### **IC 25-13-1-7**

##### **Dental hygienist examinations**

Sec. 7. The board's examination of applicants to practice dental hygiene shall be held at such time and place as may be called by the board for its examination of applicants for dental license. The dental hygienist examination shall include a practical clinical test, the applicant supplying the patient and necessary instruments and equipment, and such written or oral examination (or both) embracing the subjects taught in dental hygienist's schools as the board may require. The board may recognize licenses issued by other states as provided in section 17 of this chapter, and may recognize the examination of the national board of dental examiners, if it is consistent with the board's requirements.

*(Formerly: Acts 1945, c.90, s.7; Acts 1963, c.112, s.2.) As amended by Acts 1981, P.L.222, SEC.114.*

#### **IC 25-13-1-8**

##### **License; issuance; duration; fees; renewal**

Sec. 8. (a) A license to practice dental hygiene in Indiana shall be issued to candidates who pass the board's examinations. The license shall be valid for the remainder of the renewal period in effect on the date the license was issued.

(b) Prior to the issuance of the license, the applicant shall pay a fee set by the board under section 5 of this chapter. A license issued by the board expires on a date specified by the health professions bureau under IC 25-1-5-4(k) of each even-numbered year. An applicant for license renewal must satisfy the following conditions:

- (1) Pay the renewal fee set by the board under section 5 of this chapter on or before the renewal date specified by the health

professions bureau in each even-numbered year.

(2) Subject to IC 25-1-4-3, provide the board with a sworn statement signed by the applicant attesting that the applicant has fulfilled the continuing education requirements under IC 25-13-2.

(3) Be currently certified or successfully complete a course in basic life support through a program approved by the board. The board may waive the basic life support requirement for applicants who show reasonable cause.

(c) If the holder of a license does not renew the license on or before the renewal date specified by the health professions bureau, the license expires and becomes invalid without any action by the board.

(d) A license invalidated under subsection (c) may be reinstated by the board up to three (3) years after such invalidation upon meeting the requirements under IC 25-1-8-6.

(e) If a license remains invalid under subsection (c) for more than three (3) years, the holder of the invalid license may obtain a reinstated license if the holder meets the following requirements:

(1) Meets the requirements under IC 25-1-8-6.

(2) Passes an examination on state and federal laws that are relevant to the practice of dental hygiene as determined by the board.

(3) Has been continuously engaged in the practice of dental hygiene from the date the holder's license was invalidated through the date the holder applies for reinstatement.

(4) Other than failing to renew the license, has complied with this chapter and the rules adopted under this chapter during the time specified under subdivision (3).

(5) Complies with any other requirements established by the board under subsection (g).

The board may require the holder of an invalid license who files an application under this subsection to appear before the board and explain why the holder failed to renew the license.

(f) If the lapse of time in revalidating the license continues beyond three (3) years, and the holder of the invalid license does not meet the requirements under subsection (e), the holder of the invalid license must apply for licensure under section 4 or 17 of this chapter. In addition, the board may require the holder of the expired license to pay all past due renewal fees and a penalty fee set by the board under section 5 of this chapter.

(g) The board may adopt rules under section 5 of this chapter establishing requirements for the reinstatement of a license that has been invalidated for more than three (3) years.

(h) The license to practice must be displayed at all times in plain view of the patients in the office where the holder is engaged in practice. No person may lawfully practice dental hygiene who does not possess a license and its current renewal.

(i) Biennial renewals of licenses are subject to the provisions of IC 25-1-2.

*(Formerly: Acts 1945, c.90, s.8; Acts 1963, c.112, s.3; Acts 1971, P.L.371, SEC.3.) As amended by Acts 1981, P.L.222, SEC.115; Acts 1982, P.L.113, SEC.48; P.L.169-1985, SEC.41; P.L.149-1987, SEC.29; P.L.185-1991, SEC.3; P.L.179-1996, SEC.1; P.L.44-2000, SEC.2; P.L.269-2001, SEC.7.*

#### **IC 25-13-1-9**

##### **Repealed**

*(Repealed by Acts 1971, P.L.371, SEC.4.)*

#### **IC 25-13-1-10**

##### **Locations; practice of dental hygiene; instruction and in-service training**

Sec. 10. (a) A licensed dental hygienist may be employed to practice dental hygiene in Indiana in the following:

- (1) The office of a legally practicing proprietor dentist.
- (2) A dental school or dental hygiene school to teach and demonstrate the practice of dental hygiene.
- (3) The dental clinic of any public, parochial, or private school or other institution supported by public or private funds in which the licensee is employed by the state department of health or any county or city board of health or board of education or school trustee or parochial authority or the governing body of any private school. However, institutional practice, other than dental hygiene instruction and dental prophylaxis for children up to and including grade 12 pupils at all times must be under the supervision of a licensed dentist.
- (4) The dental clinic of a bona fide hospital, sanitarium, or eleemosynary institution duly established and being operated under the laws of Indiana in which the licensee is employed by the directors or governing board of such hospital, sanitarium, or institution. However, such practice must be under the supervision at all times of a licensed dentist who is a staff member of the hospital or sanitarium or a member of the governing board of the institution.
- (5) The dental clinic of an industrial or a commercial establishment in which the licensee's services are under the supervision of a licensed dentist.

(b) A licensed dental hygienist may provide without supervision the following:

- (1) Dental hygiene instruction and in-service training without restriction on location.
- (2) Dental prophylaxis for children up to and including grade 12 if the dental hygienist is employed by any of the following:
  - (A) The state department of health.
  - (B) The department of education.
  - (C) The elementary or secondary school where the services are provided.
- (3) Screening and referrals for any person in a public health setting.

*(Formerly: Acts 1945, c.90, s.10.) As amended by Acts 1981, P.L.222, SEC.116; P.L.169-1985, SEC.42; P.L.155-1988, SEC.4; P.L.185-1991, SEC.4; P.L.2-1992, SEC.766.*

#### **IC 25-13-1-11**

##### **Practice of dental hygiene; acts performed**

Sec. 11. A person is deemed to be practicing dental hygiene within the meaning of this chapter who:

- (1) uses the titles "Licensed Dental Hygienist", "Dental Hygienist" or the letters "L.D.H." or "D.H." in connection with his or her name;
- (2) holds himself or herself out to the public in any manner that he or she can or will render services as a dental hygienist;
- (3) removes calcific deposits or accretions from the surfaces of human teeth or cleans or polishes such teeth;
- (4) applies and uses within the patient's mouth such antiseptic sprays, washes or medicaments for the control or prevention of dental caries as his or her employer dentist may direct;
- (5) treats gum disease; or
- (6) uses impressions and x-ray photographs for treatment purposes.

*(Formerly: Acts 1945, c.90, s.11; Acts 1963, c.112, s.4; Acts 1971, P.L.371, SEC.5.) As amended by Acts 1981, P.L.222, SEC.117; P.L.155-1988, SEC.5.*

#### **IC 25-13-1-12**

##### **Exceptions**

Sec. 12. Nothing in this chapter shall be interpreted or implied as operating to prevent:

- (1) a dentist who is duly licensed in Indiana;
- (2) a bona fide dental student while engaged in dental school extramural educational programs with a licensed dentist who is an affiliate faculty member of the dental school;
- (3) a duly licensed practitioner of medicine;
- (4) a legal practitioner of dentistry or of dental hygiene in any other state, while making a clinical demonstration before a dental society in Indiana; or
- (5) any commissioned dental officer in the regular United States armed services, United States Public Health Service, or United States Department of Veterans Affairs, while engaged in the discharge of official duties in Indiana;

from performing such services for health preservation, restoration, or diagnosis as are customarily within the field of their respective professional practices.

*(Formerly: Acts 1945, c.90, s.12; Acts 1963, c.112, s.5.) As amended by Acts 1982, P.L.154, SEC.47; P.L.169-1985, SEC.43; P.L.1-1990, SEC.251.*

#### **IC 25-13-1-13**

##### **Repealed**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

#### **IC 25-13-1-14**

##### **Repealed**

*(Repealed by Acts 1981, P.L.222, SEC.296.)*

#### **IC 25-13-1-15**

##### **Review of board's action; procedure**

Sec. 15. Any licensee, or applicant for a license, aggrieved by the action of the board shall have the right of review of the board's actions thereon under the procedure provided in IC 4-21.5.

*(Formerly: Acts 1945, c.90, s.14 1/2; Acts 1963, c.112, s.7.) As amended by Acts 1982, P.L.154, SEC.48; P.L.7-1987, SEC.118.*

#### **IC 25-13-1-16**

##### **Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2570.)*

#### **IC 25-13-1-17**

##### **License by reciprocity**

Sec. 17. (a) The board may issue a license upon payment of the fee set by the board under section 5 of this chapter by an applicant who furnishes satisfactory proof that the applicant:

- (1) is a dental hygienist;
- (2) is currently licensed in some other state that has licensing requirements substantially equal to those in effect in Indiana on the date of application;
- (3) has been in satisfactory practice for at least two (2) years out of the preceding five (5) years;
- (4) passes the law examination; and
- (5) has completed at least fourteen (14) hours of continuing education in the previous two (2) years.

However, all other requirements of this chapter must be met and the licensing requirements of the law and the board of the state from which such candidate comes may not be less than those prescribed in this chapter.

(b) An applicant who, before September 1, 1987, graduated from a school for dental hygienists that was recognized by the board at the time the degree was conferred and that required a course of training of only one (1) year, and who has completed:

- (1) one (1) year of internship in a dental clinic of an accepted hospital;
- (2) one (1) year of teaching, after graduation, in a school for dental hygienists; or
- (3) five (5) years of actual dental practice as a dental hygienist;

may apply for licensure under this section if all other requirements of this section are met.

*(Formerly: Acts 1945, c.90, s.16; Acts 1971, P.L.371, SEC.6.) As amended by Acts 1981, P.L.222, SEC.118; Acts 1982, P.L.113, SEC.49; P.L.169-1985, SEC.44; P.L.149-1987, SEC.30;*

*P.L.33-1993, SEC.20; P.L.75-2002, SEC.2.*

#### **IC 25-13-1-17.1**

##### **Repealed**

*(Repealed by P.L.33-1993, SEC.74.)*

#### **IC 25-13-1-17.2**

##### **Inactive license; renewal**

Sec. 17.2. (a) The board may classify a license as inactive if the board receives written notification from the dental hygienist that the dental hygienist will not practice as a dental hygienist in Indiana.

(b) The board may issue a license to the holder of an inactive license under this section if the applicant:

- (1) pays the renewal fee set by the board;
- (2) pays the reinstatement fee set by the board; and
- (3) meets the continuing education requirements set by the board.

*As added by P.L.75-2002, SEC.3.*

#### **IC 25-13-1-18**

##### **Construction of certain terms**

Sec. 18. Wherever the word "she," or the word "her" shall appear herein, they shall be construed also to mean "he" or "him" respectively.

*(Formerly: Acts 1945, c.90, s.16a.)*

#### **IC 25-13-1-19**

##### **Liberal construction**

Sec. 19. This chapter shall be deemed to be enacted in the interests of public health, safety and welfare, and its provisions shall be liberally construed to serve such interests.

*(Formerly: Acts 1971, P.L.371, SEC.7.)*